

In 1929, a delegation of ten CPUSA officials went to Moscow to appeal a decision of Stalin on a factional dispute within the Respondent organization. The Communist International paid the travel expenses of the members of this delegation (J.A. 261-264, 269-270; Ex. 103, J.A. 1418-1420).

The Communist International in Moscow announced the decision on the 1929 factional dispute within the CPUSA. Thereupon, the Communist International gave a substantial sum of money to the Chairman of the new Secretariat of the CPUSA, which had been formed by the Communist International. These funds were to be used to establish a new newspaper, loyal to the Communist International, in the event that the CPUSA lost control of the *Daily Worker* because of the factional dispute (J.A. 270, 315); further, the Chairman of the newly formed Secretariat was given a substantial additional sum to finance enforcement among the members of the CPUSA of the decision reached in the Soviet Union regarding the leadership of the CPUSA (J.A. 291-295, 315).

The Trade Union Educational League (TUEL) was formed in the early 1920's pursuant to instructions from the Communist International; the latter also furnished a subsidy for the initial financing of this newly formed organization (J.A. 317-318).

In 1928, a Trade Union Delegation was organized in this country by the CPUSA at the direction of the Communist International, to visit the Soviet Union. A member of this delegation's technical staff, who was a secret member of Respondent, eventually wrote the delegation report. The Communist International partially financed the organization and expenses of the delegation's visit to the Soviet Union (J.A. 233-236, 273-281).

About 1928, the Communist International subsidized, by grants of substantial sums of money, a campaign by the CPUSA among the members of the United Mine Workers to defeat John L. Lewis for the union presidency (Gitlow, J.A. 256; Kornfeder, J.A. 311-313; Ex. 95, 98).

During the early period of Respondent's existence in the United States, paid functionaries of the CPUSA were per-

nitted to purchase books at 1/3 discount from the International Publishers, the latter being a Soviet Union publishing organization in the United States (J.A. 264, 325-327, 1420-1421; Ex. 104).

In 1929, or shortly thereafter, the Communist International directed that Respondent form Port Bureaus at leading ports in this country. The purpose was to facilitate recruiting and organizational work on the waterfront on behalf of the CPUSA. The establishment of these bureaus was facilitated by funds furnished by the Communist International (J.A. 250-251, 407-409; Ex. 76).

In 1927, a representative of the Communist International requested that the CPUSA send a delegate to the International Miners Conference at Moscow. Respondent's Political Committee voted unanimously to reply that it would send a delegate but that funds for the delegate's fare should be cabled to the Respondent organization (J.A. 252, 1387; Ex. 77).

Amtorg is a trading corporation of the Soviet Union which was organized in the United States in 1924. From its inception until 1929, Amtorg rendered financial assistance to Respondent by: (a) paying excessive rates to Respondent publications for placing advertisements therein, and (b) making it possible for the Communist Party School of Business Relations to realize money from insurance and other activities (J.A. 238-239).

During the period from 1919 to 1934, members of the CPUSA were sent to other countries to assist in Communist Party activities there, in many instances under specific instructions from the Communist International; the Communist International financed these missions (Gitlow, J.A. 271-272; Kornfeder, J.A. 309-310, 330-333).

A member of Respondent organization, who was specializing in labor activities in the United States, was sent to the Soviet Union in 1934 to serve as a representative of the Trade Union Unity League at the Red International of Labor Unions at Moscow; the latter was a section of the Communist International. Funds for the trip were furnished by Jacob Golos, a representative of the Soviet

Union in the United States. Subsistence while in Moscow was borne by the Red International of Labor Unions (J.A. 466-485).

In 1927, the International Red Aid sent Russian films to the United States, free of any charge. The films were delivered to the International Workers Aid. The CPUSA determined the distribution of profits realized from the showing of the films in the United States (J.A. 252, 1388; Ex. 77).

In the 1920's the Communist International sent a show troupe to the United States called the "Blue Blouses." This troupe operated under the auspices of the Workers International Relief. The funds realized from their tour in this country were distributed to various organizations by Respondent, including itself and the *Daily Worker* (J.A. 257, 1407-1408; Ex. 96).

During the years 1930 to 1934 the Communist International provided subsidies for *Labor Unity*, a labor magazine operated under the direction of the CPUSA (J.A. 487-489).

In 1939, the Treasurer of the CPUSA stated that it was impossible to put additional CPUSA funds into the *Midwest Daily Record*, a CPUSA controlled paper, because at that time communications to their sources of funds abroad, i.e., the Soviet Union, had been disrupted (J.A. 1123-1125, 1180-1182).

During the late 1930's, the *Daily Worker* received political news dispatches free from the Runag news service in Moscow. These dispatches were used by the editorial staff of the *Daily Worker* and, also, were distributed to the Party leadership for scrutiny and study. After the passage of the Foreign Agents Registration Act in 1938, these dispatches were sent to *The Intercontinent News*, a corporation which had been formed by the CPUSA in New York City to handle the service in a manner that to all appearances would be independent of the *Daily Worker*. This medium in turn relayed the dispatches to the *Daily Worker* at a nominal cost<sup>1</sup> (J.A. 656-657, 1168-1175, 1195-1199).

<sup>1</sup> This news service from Moscow ceased in 1944 when the Department of Justice ordered *The Intercontinent News* either to label its news material as

In or about 1949, Respondent, through International Publishers, received from the Soviet Union book plates and English translations of books, such as an edition of *The Selected Works of Lenin*, as well as actual page proofs for books, with no charges (J.A. 1035-1037).

After the passage of the Voorhis Act in 1940, with the consequent nominal disaffiliation of Respondent from the Communist International,<sup>2</sup> evidence of such financial aid does not appear in the record with one exception, this being the above instance of financial aid to Respondent in or about 1949.

Respondent denies that it receives financial aid from or at the direction of the Soviet Union or the Communist International; and denies the relevancy of the above findings to any issue in this proceeding.

We find a preponderance of the evidence in the record establishes numerous instances of substantial financial aid which flowed to Respondent from and at the direction of the Soviet Union and the Communist International; and we conclude that the above findings are relevant to the ultimate issue in this proceeding in the light of the whole record.

#### E. Training and Reporting

Sections 13(e)(4) and (5) of the Act provide that in determining whether or not an organization is a "Communist-action organization," the Board shall take into consideration:

"(4) the extent to which it [Respondent] sends members or representatives to any foreign country for instruction or training in the principles, policies, strategy, or tactics of such world Communist movement; and

"(5) the extent to which it [Respondent] reports to such foreign government or foreign organization or to its representatives; \* \* \*

propaganda or to discontinue its service. Thereafter, the *Bulletin* of the Soviet Embassy was used as a news source. We have reviewed Respondent's Exhibits [i.e. C.P. Exs.] 70-75, inel., but we do not credit them for the purpose offered in view of the testimony of Petitioner's witness Budenz concerning them, which we accept. (J.A. 1169-1175, 1192).

<sup>2</sup> This is discussed fully hereinbefore.

The petition alleges inter alia:

"The Communist Party regularly reports and has reported to the government and Communist Party of the Soviet Union and to the Communist International and the Communist Information Bureau, and has sent members and representatives to the Soviet Union and other foreign countries for instruction and training in the principles, policies, strategy, and tactics of the world Communist movement \* \* \*."

Respondent denies the foregoing allegations of the petition, but states in its amended answer that during the period of its affiliation with the Communist International, members and representatives of Respondent attended and participated in Communist International Congresses and certain of its committees; that members of Respondent have from time to time visited foreign countries, including the Soviet Union; and that, in the past, certain members of Respondent studied in the Soviet Union (amended Answer, J.A. 163).

In its amended answer and again in its exceptions, Respondent denies the relevancy of any of these conceded facts to any issue in this proceeding. Upon consideration of the record, we do not agree with this contention.

The evidence pertaining to "training" and "reporting" is somewhat interwoven and we have, therefore, consolidated these subjects in this section of our report.

Since Respondent admits that its members have studied in the Soviet Union, that it has participated in meetings of the Communist International, and that it has sent representatives to the Soviet Union, it is unnecessary to set forth in this part of our report the considerable amount of detailed evidence establishing these points, except to the extent it may be necessary for an understanding of the findings under these criteria.

An elaborate world-embracing school system was established in Moscow for training Communists and preparing them for leadership roles in the world Communist movement. The Western University taught trainees from the

semi-agrarian areas, such as the Balkan and Baltic countries; the Eastern University schooled trainees from the Asiatic countries, such as China, Siam, and Korea; the Academy of Red Professors was a training school for theoreticians for the world Communist movement; a special section of the Fronze Military Academy was devoted to training students sent from foreign countries; and the Lenin School took in trainees from the "more advanced" countries, such as Germany, France, England and the United States (J.A. 304-306). Petitioner's witness Honig was an American instructor at the Lenin School in 1934-35 where he taught labor subjects to a select group of Respondent's members. In the main, however, the school's instructors were Russians (J.A. 482-484).

To qualify for training in Moscow a CPUSA member had to be recommended by Respondent and approved by the Communist International, which had established as qualifications for selection that the student be less than 36 years of age, have 5 years of active Party work, and be above average in ability (J.A. 301-302).

Petitioner's witness Crouch, during the period 1928-1930, studied material at the Fronze Academy pertaining to civil war, guerrilla tactics, and sabotage (J.A. 404-405).

From 1928 to 1936, many of Respondent's outstanding members were sent to the Lenin School for varying periods where they received training and instructions in the strategy and tactics of the world Communist movement (J.A. 657-658; Exs. 78, 87). Among them were Hall,<sup>1</sup> (J.A. 787) Steve Nelson (J.A. 658), Irving Potash<sup>1</sup> (J.A. 366-368), Charles Krumbein (J.A. 1339), Joseph Kornfeder (J.A. 301-304), George Siskind (J.A. 815), Morris Childs (J.A. 693), Ray Hansborough (J.A. 693), Roddie Lester (J.A. 814), Admiral Kilpatrick (J.A. 787), Abraham Lewis (J.A. 787, 814), Margaret Unjus, Rudolph Baker (J.A. 1399), Sclar (J.A. 1399), Harry Haywood (J.A. 658), Odel Nowell (J.A. 658), Charles White (J.A. 658), Leonard Patterson (J.A. 658), Timothy Holmes

<sup>1</sup>Convicted in 1949 of conspiring to teach and advocate the overthrow of the United States Government

(J.A. 658), William Patterson (J.A. 658), Hutch Hutchinson (J.A. 658), George Hewitt (J.A. 367), Sam Nessin (J.A. 367), Beatrice Siskin (J.A. 367-368), Philip Raymond (J.A. 367), John Marr (J.A. 367), William Brown (J.A. 367), Claude Lightfoot (J.A. 340), William Taylor (J.A. 746), Bill Kruse (J.A. 253) and Bell. (Ex. 72, J.A. 1377). Many of the aforementioned persons held high positions in Respondent,<sup>1</sup> including Nowell and Kornfeder who testified for Petitioner in this proceeding.

The evidence establishes that in the early 1930's Respondent's students in the Lenin School were taught such subjects as Marxism, Leninism, the history of the labor movement, trade union and strike strategy, history of the Communist Party of the Soviet Union, history and organizational structure of the Communist International, the national and colonial problem, including the concept of a Negro nation in the "black belt" of the United States;<sup>2</sup> the history of the CPUSA, international propaganda, the theory and practice of Soviet economy, revolutionary tactics and the science of civil warfare. These subjects at the school were adapted to the peculiar conditions in the countries of the students, including the United States. For instance, the course given Respondent's members on civil warfare included political and economic conditions in the United States, the culture of the people, the terrain, the histories of the United States and the CPUSA, and the degree of political maturity in the United States. Students in the course were taught also how to convert economic strikes into political strikes, and then into general strikes that might precipitate revolution. They also were taught how to disassemble and reassemble the guns and small arms of the major nations.

For the actual carrying out of the revolution, Red Army officers taught military details in both legal and guerrilla warfare, how to erect barricades, snipe, throw grenades,

<sup>1</sup> Gus Hall signed Respondent's amended answer in this proceeding as National Secretary of the CPUSA. Claude Lightfoot was an alternate member of Respondent's National Committee in 1950 (J.A. 1719, Ex. 376).

<sup>2</sup> See pp. 138-142, *supra*, for a full discussion of this subject.

use gas masks, sabotage, take over the system of transportation, seize food supplies and persuade army units to fight with the insurgents and guerrillas. They were taught how to capture and hold hostages, capture arsenals, arm Communist supporters, utilize and destroy food and water supplies, and, in general, how to carry on a total revolution for the seizure of power. All this was taught with the object of destroying the economic system in the United States, and establishing a dictatorship of the proletariat here (J.A. 369-373, 387-389, 482-484).

Concerning strategy and tactics, students at the Lenin School were taught, among other things, that "partial demands", i.e., demands within the framework of democratic procedure dealing with limited grievances on everyday problems, served as a tactical means, "a cutting edge", for the Party in mobilizing for the long range objective of the general strategy, this being the overthrow of capitalist governments everywhere through proletarian revolution (J.A. 387-389). This tactic has been utilized constantly by Respondent in this country.

On the subject of "just" and "unjust" wars, the students were taught that any war in which the Soviet Union becomes involved is a "just" war for the Soviet Union, regardless of whether the Soviet Union is the aggressor or defender; that any war between a colony and its mother country is a "just" war for the colony; and conversely, any war against the Soviet Union, regardless of who is the aggressor, is "unjust" for the Soviet Union's adversary. In the event of war between two "imperialist powers" the students were taught to work for the destruction of both and thus leave to the Soviet Union a clear field for future conquest<sup>1</sup> (J.A. 389-390).

Concerning the ultimate aim of the Party regarding capitalist-imperialist nations, students were taught that the class struggle prevailed throughout the capitalist world; that internal contradictions within these states were be-

<sup>1</sup> An illustration of adherence by the Soviet Union and Respondent to this principle is found in the portion of this report dealing with their policies regarding World War II (see pp. 151-153, *supra*).

coming sharper; and that their international imperialist policies toward colonial peoples were becoming more oppressive. They were further taught that, in view of these political and economic conditions, it was the duty of the CPUSA, as a part of world Communism, to cultivate revolutionary movements in colonial countries; and, in striving for world socialism, to work for the overthrow and complete abolition of capitalist states and imperialism (J.A. 385-386).

In conformance with the foregoing, students from the United States were taught that the proletarian revolution was necessary and that it was their major duty to work under the leadership of the Communist International and Respondent for the overthrow of the United States Government (J.A. 384-387).

The texts used by Respondent's members at the Lenin School included Lenin's *State and Revolution* (Ex. 139); *Left Wing Communism; Military Revolution; Imperialistic War; What Is To Be Done* (Ex. 417); *How It Is To Be Done; Imperialism* (Ex. 140; J.A. 1518); *Infantile Leftism* (J.A. 484); a modern treatment of Lenin's works by Leontov entitled *Leninism* by Leontov; Stalin's *Foundations of Leninism* (Ex. 121; J.A. 1427-1443); and *Problems of Leninism* (Ex. 138; J.A. 1500-1517); Marx's *Capital*; the *Communist Manifesto* (Ex. 31; J.A. 1339-1342); Engel's *Scientific Socialism*; the *Programme of The Communist International* (Ex. 125; J.A. 1446-1472); the *Theses and Statutes of the Third (Communist) International*, including the 21 conditions for membership therein (Ex. 8; J.A. 1318-1332); a number of writings by Soviet authors concerning political policies and the economy of the Soviet Union; and other works (J.A. 384-387, 389).

The purpose of Lenin School instruction as explained by Earl Browder, then leader of Respondent, was to develop Party leaders and through them to raise the political and ideological level of the Party membership as required by the development and intensification of revolutionary situ-

ations developing in countries throughout the world, including the United States (J.A. 365-366).

In addition to the formal institutionalized schooling in the Soviet Union, many of Respondent's highest functionaries have received training through serving abroad in various positions of the international Communist organization. Honig, while functioning as CPUSA representative to the Red International of Labor Unions, was sent to various places in the Soviet Union to study Soviet operations and the activities of Soviet trade unions (J.A. 472-473). William Z. Foster,<sup>1</sup> Earl Browder,<sup>2</sup> Gilbert Greene,<sup>3</sup> Charles Ruthenberg, and Alexander Bittelman, functioned for various periods during the 1920's and early 1930's in Moscow as members of the Soviet-controlled Executive Committee of the Communist International. In addition to the aforementioned position, Foster also served on the Presidium of the Communist International and Green was a member of its Young Communist League Secretariat (Gitlow, J.A. 227-228; Johnson, J.A. 659; Kornfeder, J.A. 338-340). William F. Dunne served as an alternate member of the Executive Committee of the Communist International in the 1920's (Ex. 32, J.A. 1342). Bosse functioned in the Information Department of the Communist International in 1926 and 1927 (Ex. 72; J.A. 1377). In the early 1930's, Clarence Hathaway functioned as representative of Respondent to the Communist International and also served as a member of the Anglo-American Secretariat of the Communist International in Moscow (J.A. 377). Robert Minor succeeded Hathaway as Respondent's representative to the Communist International (J.A. 378). Other members who served as the Party's representatives in Moscow include Louis Farina, John Reed, Nicholas Horawich, Israel Amter, Louis Engdahl, Max Bedacht, Harrison George and H. M. Wiëks (J.A. 271-272; Ex. 72, 98). Morris Childs was a member of the Lander Secretariat of the Comintern (J.A.

<sup>1</sup> Presently leader of Respondent.

<sup>2</sup> Leader of Respondent 1929-45.

<sup>3</sup> Recently convicted of conspiring to teach and advocate the overthrow of the United States Government.

377). Harry Heywood served on the International Negro Bureau of the Communist International (J.A. 360).

The record establishes that following their return to the United States, members of Respondent who had been trained and indoctrinated in the Soviet Union taught in Respondent's schools, and put into practice, where circumstances permitted, that which they had learned in the Soviet Union (Kornfeder, J.A. 349, 351-352; Nowell, J.A. 371, 389; Crouch, J.A. 439-440).

There is no substantial evidence of record showing training of Respondent's members in the Soviet Union subsequent to the outbreak of World War II. However, it is established that the extensive foreign training set forth above is still being effectuated in this country by Respondent. This training was clearly a program initiated by the Soviet Union to indoctrinate while there outstanding workers and leaders of Respondent so as to have a cadre for imparting such training to Respondent's membership in the United States.

It is apparent that World War II, and what Respondent has termed the "political situation" in this country subsequent to the war, have made travel to Moscow to obtain such training inexpedient or impossible. It is reasonable to conclude that this foreign training is no longer imperative to the functioning of Respondent as a Marxist-Leninist Party because its outstanding members and leaders, having received Soviet indoctrination, are able to educate, similarly, students at Party schools in this country and to dispense their previous training through Respondent's publications and activities.

We find that Respondent has sent its members and representatives to the Soviet Union, at the latter's insistence and with its financial assistance,<sup>1</sup> for instruction and training in the principles, policies, strategy and tactics of the world Communist movement, as determined by the Soviet Union, for the purpose of adopting and effectuating such principles, policies, strategy and tactics in the United States, which it does.

<sup>1</sup> See findings under "Financial Aid", p. 163, *supra*.

There is considerable evidence of record that Respondent reports to the leadership of the world Communist movement, as we now establish.

In 1926 William Z. Foster and Alexander Bittelman were in Moscow and made a written report to the Communist International covering Respondent's activities during the year 1925 with reference to the economic and political situation in the United States, trade unions, Socialist Parties, Bolshevization of Respondent, Leninist education, United Front campaigns, Negroes, farmers, women, anti-imperialism and internal Party developments<sup>1</sup> (J.A. 243; Ex. 39, J.A. 1343-1350). The witness Gitlow went to Moscow in 1927, 1928 and 1929 to discuss similar matters with the Comintern officials (J.A. 216-217, 221-223). In 1929, Gitlow and other members of Respondent traveled to the Soviet Union to participate in a hearing held in Moscow by the Communist International to resolve the factional dispute then raging within Respondent. (The details of the settlement of this factional dispute are discussed *infra*, p. 187, *supra*, pp. 25-26).

Respondent's youth organization, the Young Workers League, was in continuous communication with the Young Communist International (J.A. 247-248). The witness Crouch visited Moscow in 1928, where he met with general staff officers of the Red Army and reported to them concerning activities designed to increase Communist infiltration in the American armed forces. He presented a tentative draft for future work, posed questions, and received answers and detailed directives (J.A. 400-405, 411-412; Ex. 147, J.A. 1543). Reports of Respondent's work on the Negro question, including the work of the Party-controlled American Negro Labor Congress, were sent in the 1920's to the Eastern Department of the Communist International, which then had jurisdiction over this phase of Respond-

<sup>1</sup> Their report also contains various statements as to Respondent's activities in carrying out "decisions" and "main lines of policy" dictated by the Communist International and, therefore, constitutes additional evidence to that reviewed in support of our finding and conclusion that Respondent acts pursuant to directives and to effectuate policies of the Soviet Union as covered *supra* at pp. 144 to 147.

ent's activities (J.A. 250; Ex. 69, J.A. 1370). The witness Nowell reported on behalf of Respondent in Moscow in 1930, on matters concerning the Trade Union Unity League (TUUL) in the United States (J.A. 354). During his stay in Moscow, Nowell received instructions in various aspects of the world Communist movement including the Negro question in the United States (J.A. 361-364).

The witness Honig went to Moscow in June 1934, and remained there until November 1935 as "referent" and official representative of the Trade Union Unity League and Respondent to the Red International of Labor Unions, a creature of the Communist International. Honig, representing Respondent, attended meetings of representatives from various Communist parties throughout the world that were held in Moscow not less than once a week. At these meetings, the representatives reported on the activities in which their parties were engaged among trade unions in their respective countries, and discussions based on their reports followed. Leaders of the Comintern were always present at these meetings and registered approval or disapproval of the work being carried out in the various countries; they also determined whether such work was being carried out according to the instructions of the Comintern and gave directions as to how it should be conducted (J.A. 466-473). Honig, while functioning in the Communist International's labor organization (RILU) in Moscow, received reports from Jack Stachel,<sup>1</sup> then acting head of the Trade Union Unity League, and Earl Browder, then head of Respondent, concerning the failure of the San Francisco general strike of 1934 (J.A. 506-507). Reports which Honig received at the Red International of Labor Unions were generally mimeographed or typed when not of a confidential nature and were sometimes sent through the mails. Confidential reports were taken to Moscow by American Party leaders and by Respondent's students going to the Soviet Union for training (J.A. 469-470, 474).

<sup>1</sup> Convicted in 1949 of conspiring to teach and advocate the overthrow of the United States Government.

Minutes of meetings of Respondent's Central Executive Committee and its Political Committee were sent to Moscow during the 1920's and 1930's. Reports also were sent by various departments of Respondent's national headquarters and by individual CPUSA leaders. As positions of leadership in Respondent could not be held without the approval of the Soviet Union, advancement in the Party depended in part upon the reflection of a member's work in these minutes and reports (J.A. 232, 647-648, 658-659). In addition to the foregoing, the minutes of Respondent's Political Committee covering official actions of Respondent during the years 1925 to 1928 reflect many instances of reporting to the Communist International through representatives sent to Moscow and through other channels of communication (Exs. 58, 59, 60, 63, 65, 71, 72, 73, 75, 80, 84, 85, 86, 87, 89, 95, 97, 98).

The Information Department of the Communist International collected and digested for the Comintern's Executive Committee, all information sent from the American Party (Ex. 89, J.A. 1403). The Anglo American Secretariat of the Communist International received reports from the English speaking Communist Parties, including Respondent; and during witness Kornfeder's membership on this Secretariat in the period 1927 to 1930, he received reports and recommendations from Respondent concerning the situation then existing in the United Mine Workers Union (J.A. 308 310-313; see also: J.A. 256).

In 1932, Earl Browder reported to the Communist International on behalf of Respondent's Central Committee concerning economic developments in the United States as they related to the world situation at that time (J.A. 379-381, 1488-1489; Ex. 135).

It is reasonable to conclude that Respondent has reported more recently to the Soviet Union through representatives of the World Communist movement from evidence furnished by the witness Matusow. While he was state literature director of the New York State Labor Youth League, Matusow attended a meeting in the Fall of 1949 at which Lou Diskin (a member of the CPUSA) gave a re-

port on a recent trip that he (Diskin) had taken to Budapest, Hungary, where he met with J. Peters<sup>1</sup> at a World Youth Festival. Diskin remained to report on and discuss the American youth movement of Respondent, and the American Communist Party movement generally, with officials of the World Federation of Democratic Youth, and with representatives of the Communist Information Bureau (Cominform) (J.A. 1031-1033). Elizabeth Gurley Flynn a member of Respondent's highest governing body and a witness for Respondent herein, visited France in 1945, 1949, and again in 1950; where she met with Communist Party leaders of other countries, including, in 1945, the Soviet Union. At the 1949 meeting, there was discussed the question of the "imperialist war" which the conferees claimed was being fomented by the United States, and they considered the steps to be taken and the role of Respondent with reference to this question (J.A. 1037-1038, 1277-1278, 1297, 1298).

The record discloses an instance where, by means unknown, the contents of an important letter written by William Z. Foster concerning Respondent's affairs were communicated to Jacques Duclos, General Secretary of the Communist Party of France and a former member of the Executive Committee of the Communist International (J.A. 1138-1139, 1302-1303, Ex. 208, pp. 660-661). The letter in question played a decisive part in Respondent's reconstitution in 1945, as elsewhere herein covered.<sup>2</sup> The record further shows that Respondent has reported its program and activities to the Soviet Union through representatives of the Communist International and other agents of the Soviet Union in the United States,<sup>3</sup> who exerted influence and control over the leadership and programs of Respondent.

In addition to Respondent's reporting in the aforementioned ways, the record establishes the existence of an

<sup>1</sup> See p. 112, *supra* re Peters.

<sup>2</sup> See pp. 28-31, *supra*.

<sup>3</sup> See pp. 109 to 112, *supra*, re activities of these representatives in this country.

other form of reporting through the issuance and exchange of significant, detailed and timely information in the form of "greetings," which are generally reprinted in Communist publications.

This exchange of messages contained in "greetings" commenced early in Respondent's history. We will cite typical examples of the numerous "greetings" so exchanged. The following "resolutions were adopted at Respondent's convention in 1921 and sent to the Soviet Union:

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"2. Greetings to the Third World Congress of the Communist International.

"The delegates of the Communist Party of America and the United Communist Party of America, in joint Unity Convention, send fraternal greetings to the Third World Congress of the Communist International. In the name of the revolutionary proletariat of America, we affirm our determination to fight under the banner of the Communist International for the overthrow of the American imperialism and for the establishment of the proletarian dictatorship. Hail to the International Soviet Republic! Long live the Communist International!" (Ex. 13(a), J.A. 1335).

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"3. Greetings to the Soviet Republic.

"The unified party, the Communist Party of America, declares that it will render all possible assistance to the Russian Soviet Republic in its struggle against the counter-revolutionary bands of the world imperialism. The Communist Party of America declares that only by the overthrow of world imperialism will the safety and mastery of the Soviet Republic over its enemies be definitely assured. The Communist Party of America pledges itself to rally the revolutionary proletariat of America for the annihilation of the most formidable stronghold of world imperialism: the American capitalist state, and to struggle for the establishment of the proletarian dictatorship. Down with world imperialism! Hail to the universal Soviet Republic! Long live the international solidarity of the workers!" (Ex. 13(a)).

#### "4. To the Third World Congress of the Communist International.

"The Unity Convention of the Communist (sic) of America and the United Communist Party of America fully upholds and endorses the firm and uncompromising stand of the Executive Committee of the Communist International against the opportunistic and centrist elements in various countries—in Italy (Serrati), and in Germany (Levi). The convention instructs its delegates to the third world congress to uphold and defend the stand of the Executive Committee of the Communist International. \* \* \* " (Ex. 13(a), J.A. 1336).

In September 1927, on the occasion of its Fifth Convention, Respondent received "greetings" from the Comintern that were read to the Convention by acting chairman Gitlow, after which the governing body of Respondent was instructed to draw up a reply. The Comintern "greetings", in part, follow:

" \* \* \*

"In the country of the most powerful imperialism, and a most brutal capitalist class the Communist Party can fulfill its duty and can become the leader of the working class against imperialism and capitalist aggression only if it is united and if it is not torn to pieces by factional struggle.

"The Comintern considers as one of the central tasks of the Party the extermination of all factionalism and the unification organizationally as well as ideologically. It will be the duty of the newly elected Central Executive Committee to lead the Party in a non-factional spirit and it will be the duty of the whole Party membership to rally around the Central Executive Committee which it itself shall have chosen. \* \* \* " (Underscoring supplied) (Ex. 23, J.A. 1337).

This "greeting" elicited a response which Respondent openly declared to be a "reply" and in which it gave assurances to the Communist International that it would comply with what were, in effect, the directions contained in the Comintern "greeting". This reply is as follows:

"The Fifth Convention of the Workers (Communist) Party greets the International leader of the working class, the Communist International. Under its leadership and with our own firm and unanimous determination to unify our Party, we will overcome the tremendous difficulties in the path of building a mass Communist Party in America. The Convention recognizes fully as Party's task the winning of the American proletariat for the revolutionary struggle against American imperialism.

"In the execution of this task we are inspired and guided by the principles of Marxism and Leninism, by the experiences of the victorious struggles of the Russian proletariat and the heroic battles of the exploited and oppressed masses of Europe and Asia. The Convention and the incoming Central Executive Committee pledge themselves speedily to eliminate all remnants of factionalism and to unify the Party as a prerequisite for the further success of our work. (Under-scoring supplied)

"We pledge *the unification of our Party* and to fight more effectively for the defense of the Soviet Union and the Chinese revolution and against the war danger as well as to resist more effectively the offensive of the capitalist reaction and the reactionary trade union bureaucracy against our Party and the militant section of the American working class. (Underscoring supplied)

"The Convention is spurred by a full consciousness of its duty to recruit the toiling masses of America for relentless struggle against American imperialism.

"Long Live the Soviet Union!

"Long Live the Communist International!

"Fifth National Convention.  
"Workers (Communist) Party."  
(Ex. 24, J.A. 1338).

On the occasion of the Sixth Convention of Respondent, in 1929, a "greeting" was sent to the Communist International in Moscow which contained the following:

"We greet our Communist International leadership and pledge our Convention and our Party to prepare itself, to strengthen itself, to clarify itself, for its share of this task. It will close its ranks, it will cleanse its

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ideology from the poison of opportunism, it will defeat Trotskyism, it will mobilize against and lead the American proletariat for the struggle against the imperialist war; it will mobilize the American workers for the defense of our Soviet Union and for the final defeat of American imperialism by the revolutionary overthrow of American capitalist rule. (Emphasis supplied)

"Long Live Leninism!"

"Long Live the Communist International!" (Ex. 28, J.A. 1339).

On December 21, 1949, the *Daily Worker* reprinted a telegram "greeting" sent by Respondent to Joseph Stalin on his 70th birthday which states, among other things:

"Like the Communists and other true partisans of peace, democracy and progress in all lands, we hail your more than 50 years of sterling leadership in the interest of the international working class and humanity.

\* \* \*

"Under a Hitler-like anti-Soviet and anti-Communist smokescreen, the American imperialists launched their predatory and aggressive Truman Doctrine, Marshall Plan and North Atlantic Pact.

\* \* \*

"Undaunted by the threats of the war instigators, the USSR steadfastly pursues its Stalinist peace policy and promotes cooperation with all who strive for peace. And the mighty world camp of peace, democracy and socialism headed by the Soviet Union, daily becomes more powerful and is destined to triumph.

\* \* \*

"In our country, too, the organized peace forces, among the workers, the Negro people, men and women of science and culture, are growing and will continue to grow in unison with the peace forces of the world" (Ex. 375, J.A. 1706-1707).

After stating that the American people "favor acceptance" of Stalin's proposals for a "Pact of Peace, for demilitarization and democraticizing Germany and Japan, \* \* \* outlawing the atom bomb", the telegram declares that the

American people envy and admire the Soviet Union's peaceful harnessing of atomic energy and that they rejoice at the victory of the Chinese Communists and their bond with the Soviet Union. The so-called telegram "greeting" closes by saying:

"With full confidence in the American working class and people, the Communist Party of the USA exerts every effort to assure that by their united action they will check and help defeat the fascist-minded monopolists and warmongers. As this united action grows in influence and scope, it will bring its full weight to bear for the achievement of an American-Soviet pact of peace and friendship—the cornerstone for world peace."

"Long life to you, Comrade Stalin, and to your great and enduring contributions to world peace, democracy and Socialism." (Ex. 375; see also: J.A. 1707).

Petitioner's witness Lautner establishes that the primary significance of this "greeting" lies in Respondent's reaffirmation of loyalty to Stalin as the acknowledged leader of the world Communist movement (J.A. 976).

That such "greetings" actually convey significant messages between members of the world Communist movement when the wording appears comparatively innocuous to the uninitiated is made clear by both testimonial and documentary evidence of record. The following quotation from the August 1, 1948 issue of *For a Lasting Peace, for a People's Democracy* (Ex. 264), official organ of the Communist Information Bureau, demonstrates the significance given to a simple statement of solicitude by Stalin:

"Comrade Stalin's telegram to the Central Committee of the Communist Party of Italy said: 'The Central Committees of the Communist Party of the Soviet Union (Bolsheviks) is grieved that Comrade Togliatti's friends failed to protect him from this foul and cowardly attack'.

"The reply sent by the Central Committee of the Italian Communist Party to Comrade Stalin is worthy of this well-tested Party. In their answer the Italian comrades assure Comrade Stalin that the solidarity of the heroic Soviet people and Stalin's warning about vigilance will be for the Italian Communists 'a spur

*to strengthen and develop the struggle of the united international front of peace, democracy and socialism'.*

*"All the Communist Parties took Comrade Stalin's message to the Italian Communist Party as the expression of his great solicitude for the international working class movement and its leaders.*

*"Increased struggle against remnants and revivals of fascism, the welding of all supporters of democracy and progress into a single socialist camp will be the best answer of the Communists of all countries to Comrade Stalin's solicitude."* (Emphasis supplied)

Ex. 264, J.A. 1594-1595).

To show further the significance attached by the initiated to these "greetings", Lautner explains in this light the import of "greetings" received by Respondent at its 15th Convention in December 1950 from the Communist Party of the Soviet Union (CPSU); which follows:

*"The Central Committee of the Communist Party of the Soviet Union extends fraternal greetings to the 15th Convention of the Communist Party of the U.S.A. We wish the Communist Party of the U.S.A. successes in its struggle against reaction, for the vital interests and rights of the working class and all toilers of the United States of America, for the ideological strengthening of the Party ranks, for lasting peace between the peoples.*

*"May the international solidarity of the toilers in the struggle for peace, democracy and Socialism gather strength. (Emphasis supplied)*

*"Long live the friendship between the peoples of the United States and of the Soviet Union!*

*"Long live the Communist Party of the United States!*

**"CENTRAL COMMITTEE**

**"Communist Party of the Soviet Union"**

(Ex. 376, p. 229, J.A. 1714).

Lautner, from his experience as a former high official of Respondent (until January 1950) and as a student of Marxism-Leninism, establishes that this greeting from the CPSU was a political document of the highest importance to Party members since in a concise way it raised all the

key problems confronting Respondent. Specifically he interpreted some of the various terms used by the CPSU as follows: "struggle against reaction" as basic Marxist-Leninist opposition to imperialism and monopoly capitalism, i.e., the basic line of the Party; "struggle for peace, democracy and socialism" as the new tactical approach since the end of World War II on which a new tactical united front is to be built; "ideological strengthening of the Party ranks" as a reference which the Soviet Party used to call the attention of the rank and file Party members to the "Browderite" disaffection and other opportunist deviations (J.A. 994-995).

It is reasonable to conclude, and we do so, that the language used by Respondent in its "greetings" to the Soviet Union is likewise possessed of veiled content through which Respondent reports in this manner to the Soviet Union.

Respondent's witnesses deny categorically that Respondent reports or has reported to the Soviet Union or its representatives (J.A. 1215-1216, 1250-1252, 1289-1291). The clear weight of the evidence is to the contrary.

Upon the basis of the foregoing and the entire record, we conclude and find that Respondent reports to the Soviet Union and its representatives.

#### **F. Disciplinary Power**

Section 13(e)(6) of the Act provides that the Board shall take into consideration:

"the extent to which its [Respondent's] principal leaders or a substantial number of its [Respondent's] members are subject to or recognize the disciplinary power of such foreign government or foreign organization or its representatives;"

The petition alleges:

"From the inception of the organization to the date of the filing of this petition, the principal leaders of the Communist Party have been and are subject to and recognize the disciplinary power of the Soviet Government, the Communist Party of the Soviet Union, the Communist International and the Communist In-

formation Bureau and other spokesmen of the world Communist movement. This power has been exercised principally through the Communist doctrine of 'democratic centralism' which binds all Communists to execute the decisions of the leaders of the world Communist movement."

Respondent's witness Gates says the leaders of the Party do not recognize and do not consider themselves subject to the disciplinary power of the Soviet government, the CPSU, the Comintern, the Cominform or any agencies of these organizations. He stresses that Respondent's leaders are subject only to the discipline of the Party (J.A. 1223-1224). He maintains the leaders of Respondent do not recognize any disciplinary power over them by the Soviet Union any more than the fact that he loves his wife indicates that she has disciplinary power over him (J.A. 1255-1257).

On the other hand, the record shows that under the rules and conditions governing the world Communist movement as promulgated by the Soviet Union and accepted and followed by Respondent there is prescribed a party of iron discipline on an international as well as a national scale.<sup>1</sup> This "iron discipline" borders on "military discipline" and implies "the establishment of authority, the transformation of the power of ideas into the power of authority, the subordination of lower Party bodies to higher Party bodies" (Ex. 121, pp. 113 and 114, 120; J.A. 1427-1443).

The requirements of discipline in the world Communist movement as formulated by the Soviet Union are, as previously noted, two-fold. First, on an international scale the decisions of the leadership of the movement—the Soviet Union—are made binding and obligatory upon the various Communist Parties and their members through the concept of democratic-centralism and through policies and rules issued by organizational instrumentalities such as the Communist International, and the various Parties as well as their members are prohibited from any deviation from the

<sup>1</sup> See the section of this report under the heading "Marxism-Leninism" and the sections covering the Communist International and the Communist Information Bureau.

line laid down by the Soviet Union. Secondly, the individual parties are required to maintain similar discipline within their own organizations and to guard against factionalism or division of authority in the Party—to purge themselves of dissident elements.<sup>1</sup>

The record shows that the principle of strict international discipline in the world Communist movement is basic and has for its purpose unity in the struggle against imperialism, in order that the "revolutionary work and revolutionary action may be coordinated" and "guided most successfully" (Ex. 125, p. 84, J.A. 1446-1472). In other words, it is a fundamental of the world Communist movement that in order to accomplish the establishment of dictatorships of the proletariat and the defense of the Soviet Union there must exist in every country a "compact Communist Party, hardened in the struggle, disciplined, centralized, and closely linked up with the masses." (Ex. 125, p. 75; J.A. 1446-1472).<sup>2</sup>

We proceed, in the light of the foregoing, to examine the evidence concerning Respondent's recognition and acceptance of the disciplinary requirements of the world Communist movement as laid down by the Soviet Union.

One of Respondent's present top leaders, Bittelman, in his pamphlet "The Communist Party In Action," published in 1932, says:

"\* \* \* But our World Communist movement always presented an iron front against any such weakening of international discipline, fighting for the Leninist principle that the Communist Party is a monolithic and homogeneous body of revolutionary workers functioning as the vanguard of the working class." (Ex. 144, pp. 34-35; J.A. 1530)

<sup>1</sup> See, for example, Exs. 8 and 125; J.A. 1318-1332, 1446-1472.

<sup>2</sup> This principle was a requirement of the Communist International and is also stated in *Strategy and Tactics of the Proletarian Revolution* (Ex. 343, p. 62; J.A. 1647-1659) which was used and referred to many times by Respondent during the seven years ending in 1949 that Petitioner's witness Philbrick was a member and held official position in Respondent.

Speaking of deviations from theory and policy as well as in the daily practical work, the article observes:

"\* \* \* We observe, however, among certain Party members, a tendency to be easy-going, tolerant and conciliatory towards opportunist deviations. This is a dangerous attitude which is very harmful to the interests of the working class and to the growth of our Party. It is this attitude that Comrade Stalin attacked so sharply, branding it as 'rotten liberalism' and calling upon every communist to demonstrate in practice in his everyday revolutionary work true Bolshevik intolerance of an irreconcilability with all opportunist deviations from the Leninist line." (*ibid.* p. 48, J.A. 1533).

In 1934, Respondent defined the executive committee of the Communist International as "the general staff of the world revolutionary movement giving unity and leadership to the Communist Parties of the world." (Ex. 136, p. 18, J.A. 1490). Respondent's *Manual on Organization*, issued in 1935, notes that Communists attach "so much importance" to discipline because "without discipline there is no unity of will, no unity of action." (Ex. 145, p. 28, J.A. 1537). Henry Winston, a present top leader of Respondent, told the 14th National Convention of the Party in 1948 that:

"\* \* \* We do not shrink from the hammer blows of reaction. Under them we will steel our Party in Communist discipline, loyalty and unity, develop its Marxist-Leninist understanding, and temper our cadres and leadership \* \* \*" (Ex. 418, p. 856, J.A. 1742-1743).

The foregoing is indicative of a continued recognition and acceptance by Respondent of iron discipline in the world Communist movement, particularly when viewed in the light of the facts set forth in the section of this report covering Respondent's operation pursuant to directives of the Soviet Union and to effectuate the policies of the Soviet Union and to effectuate the policies of the Soviet Union in the world Communist movement.

Particularly significant of the operation and enforcement of discipline by the Soviet Union in the world Communist

movement and of Respondent's recognition of this discipline and subjection to it, is the evidence concerning the requirement that the Communist Parties and their members "follow the line" laid down by the Soviet Union. Those who do not follow the line are branded as "opportunists", "revisionists", "factionalists", "renegades", "stool-pigeons", etc., and are purged from the Party.

We have previously herein noted Respondent's present use of such Marxist-Leninist material as the *History of the Communist Party of the Soviet Union (Bolsheviks)* (Ex. 330, J.A. 1613-1632) and a pamphlet entitled: "Resolutions—Seventh Congress of the Communist International<sup>1</sup>—Including The Closing Speech of G. Dimitroff" (Ex. 137, J.A. 1943-1948). The following excerpts from these documents show what Respondent is teaching its members and is practicing as well, concerning the necessity to "follow the line."

In the *History* it is stated:

"The History of the Party further teaches us that unless the Party of the working class wages an uncompromising struggle against the opportunists within its own ranks, unless it smashes the capitulators in its own midst, it cannot preserve unity and discipline within its ranks, it cannot perform its role of organizer and leader of the proletarian revolution, nor its role as the builder of the new, Socialist Society." (Ex. 330, p. 359, J.A. 1631-1632)

And Dimitroff's speech as contained in the aforementioned document says in part (J.A. 1494-1495):

"Championing, as we do, working class unity, we shall with so much the more energy and irreconcilability fight for *unity within our Parties*. There can be no room in our Parties for factions, or for attempts at factionalism. Whoever will try to break up the iron unity of our ranks by any kind of factionalism will get to feel what is meant by the Bolshevik discipline that Lenin and Stalin have always taught us. (Ap-

<sup>1</sup> William Foster and others were present and represented Respondent at the 7th Congress of the Comintern. See *supra*, p. 37 of this report.

*plause.) Let this be a warning to those few elements in individual Parties who think that they can take advantage of the difficulties of their Party, the wounds of defeat or the blows of the raging enemy, to carry out their factional plans, to further their own group interests. (Applause.) The Party is above every thing else! (Loud applause). To guard against the Bolshevik unity of the Party as the apple of one's eye is the first and highest law of Bolshevism!" (Emphasized in text. Ex. 137, p. 13).*

Respondent's *Manual On Organization*, to which we have referred in various places in this report, points out that basic principles and decisions, such as the necessity for the proletarian dictatorship, the correctness of the line "laid down" by Marx, Engels, Lenin and Stalin, and, the necessity for the forceful overthrow of capitalism, cannot be questioned (Ex. 145, p. 26, J.A. 1537). Respondent's publication *The Way Out* covering its 8th Convention held in 1934, says "Renegades are those who were formerly members of the Communist Party but were expelled from it for failure to follow the correct revolutionary line and who now fight against the revolutionary movement and against the Soviet Union" (Ex. 136, p. 17, J.A. 1490). John Gates, one of Respondent's present leaders and a witness for Respondent in this proceeding, told the 15th Convention held in 1950 that the struggle of "the renegades from Marxism against the Communist Party inevitably and logically leads to struggle against the Soviet Union and to becoming outright agents of the imperialist bourgeoisie", and that the Party needs "to be alert to the danger of factionalism" (Ex. 376, pp. 79 and 86, J.A. 1710). Also pertinent are Respondent's *Discussion Outline for Lenin Campaign*, issued in 1929 (Ex. 108, J.A. 1422), of which a considerable portion is devoted to discipline; and Respondent's publication *Why Every Worker Should Join The Communist Party*, issued in the mid-1930's (Ex. 143, J.A. 1523-1525).

We treat now with specific incidents of record related to the purging of those who have not "followed the line". The record shows that from the beginning of Respondent's

existence in the United States, the Soviet Union has exercised disciplinary power to enforce adherence to the revolutionary line. We have hereinbefore noted the foreign direction concerning the settlement of the factional dispute in Respondent in 1929 whereby, under Comintern "authority and wisdom",<sup>1</sup> the Party was purged of factional elements and opportunists pursuant to Stalin's solution, in which he said:

" \* \* \* And when a revolutionary crisis develops in America, that will be the beginning of the end of world capitalism as a whole \* \* \* For that end the American Communist Party must be improved and bolshevized. For that end we must work for the complete liquidation of factionalism and deviations in the Party \* \* \* "<sup>2</sup>

Stalin's speeches before the Comintern on the settlement of the aforementioned factional dispute, which speeches were subsequently published in Respondent's official organ,<sup>3</sup> refer to the conduct of Respondent's members who questioned the decisions of the Executive Committee of the Communist International as "insubordination" and apply the term "enemies of the working class" to the factional group. We find on the record that this expression covers so-called renegades, revisionists, reformers, opportunists, etc., and that the expression and words it covers are current in Communist use to denote one who deviates or does not follow the correct revolutionary line.

The record shows that Trotsky who was expelled from the Communist Party of the Soviet Union and Lovestone who was expelled from the CPUSA<sup>4</sup> became descriptive of

<sup>1</sup> Ex. 126, p. 246, J.A. 1437-1483.

<sup>2</sup> Ibid.

<sup>3</sup> Ex. 109, J.A. 1424-1425.

<sup>4</sup> Respondent's official declaration on the expulsion of Lovestone, Gitlow and others who had refused to be bound by certain demands of the Comintern in 1929 calls their conduct "unprecedented warfare against the Party", and states that "any association with the expelled, any support given them is incompatible with the duties of membership in the Party." (Ex. 117, p. 2, J.A. 1425-1427).

"enemies of the working class" who must be purged. We consider it significant, therefore, that Respondent's constitution as amended in 1942 provided<sup>1</sup> (J.A. 1611):

"No Party member shall have personal or political relationship with confirmed Trotskyites, Lovestoneites, or other known enemies of the Party and of the working class" (Ex. 328).

And that the present constitution provides (J.A. 1705):

"Personal or political relations with enemies of the working class and nation are incompatible with membership in the Communist Party" (Ex. 374).

We have noted in other sections of this report that Paul Crouch, an early official of Respondent, was denied election in 1929 to the position of national secretary of the Young Communist League because of his previous support of Lovestone and upon instructions from Moscow. We have also noted that Nowell, while a student from Respondent to the Lenin School in Moscow, was disciplined by the Communist International for disagreeing with the policy on the "Negro question" (R. 4450), and that Kornfeder was expelled in 1934 for failure to heed the instructions of a Soviet Union representative in the United States (J.A. 322-325). Petitioner's witness Johnson was expelled by Respondent in 1940 for having exhibited opportunistic tendencies, and all members were warned not to have anything to do with him (J.A. 668-669, 1601; Ex. 294).

In many respects the reconstitution of Respondent under the name Communist Party in 1945, after having existed for about 13 months as the Communist Political Association, is similar to the 1929 settlement of the factional dispute which existed at that time. We have previously herein noted the foreign participation in the 1945 reconstitution and in the 1929 factional settlement. With respect to the 1945 episode, William Foster reported to the convention

<sup>1</sup> We note that although Respondent had previously announced "disaffiliation" from the Comintern, its constitution as amended in 1942 included the Comintern, together with Marx, Engels, Lenin, and Stalin as the enunciators of the principles according to which Respondent seeks to establish "socialism".

that the only way he could have gotten his letter to the membership, which letter opposed the formation of Respondent under the name Communist Political Association, was by facing expulsion, and that since his letter would have caused disunity, anyone who attempted to discuss it would have been denounced as a Trotskyite by Browder (Ex. 372). Following the reconstitution in 1945, Earl Browder was expelled as a "revisionist" for seeking to abandon basic Marxism-Leninism principles and for opposing the re-emphasis thereof which was part of the 1945 reconstitution following the Duclos and Manuilsky pronouncements (J.A. 1136-1151; Ex. 208, J.A. 1574-1575; Ex. 372, J.A. 1692-1694).

In 1950, Lautner, without advance warning, was subjected to a severe inquisition by officials of Respondent and forced to sign a statement that he was a spy and agent in the ranks of the Communist Party and had received a fair hearing. He was not, and had not been, a spy or agent. His efforts to get a hearing or review by Respondent's National Review Commission were ignored. His only notice or information about his expulsion came from an article in the *Daily Worker* stating that he was expelled as a "traitor and enemy of the working class" (J.A. 882-888; Ex. 361, J.A. 1671-1672). Indicative of the disciplinary program in the world Communist movement is the fact that the notice of Lautner's expulsion from the CPUSA was printed in the Cominform journal *For a Lasting Peace, for a People's Democracy*, and that the same issue contained a similar notice as to the expulsion of a member from the Communist Party of Italy, both under the heading "Rooting Out Traitors from the Ranks of the Communist Party" (Ex. 362, J.A. 1672-1673). Also in this connection, the record shows that in 1948 the Communist Information Bureau adopted a resolution that the leaders of the Communist Party of Yugoslavia were pursuing an unfriendly policy toward the Soviet Union and the CPSU (B), that this anti-Soviet attitude was incompatible with Marxism-Leninism, and that the Yugoslavia Party had failed to accept the criticism and measures set forth by the Central Commit-

tee of the Communist Party of the Soviet Union. The resolution suggests the Yugoslavia Party leaders be replaced if they did not "recognize their mistakes" and rectify them. This resolution was printed in the August 1948 issue of *Political Affairs* (Ex. 344, J.A. 1659-1663) and was discussed in meetings of Respondent's groups. It was printed by Foster and Dennis (J.A. 778-780). In 1949, the Cominform adopted another resolution concerning Tito and other leaders of the Yugoslav Party which brands them as "enemies of the working class" for becoming agents of "Anglo-American imperialism", conducting a "campaign of slander and provocation against the Soviet Union," and being disloyal to the principles of Marxism-Leninism. This resolution states the struggle against the Tito clique is the international duty of all Communist Workers' Parties (Ex. 258, J.A. 1592-1594).

Finally, with respect to specific instances of discipline, in 1951 one Warwick Thompkins was expelled by Respondent for trying to organize Communist members to support in the distribution of leaflets containing "slanderous" remarks about the Soviet Union (J.A. 1090-1091).

In addition to the foregoing, we have also taken into consideration in connection with Respondent's recognition of and subjection to the disciplinary power of the Soviet Union, the facts elsewhere herein set forth concerning Respondent's following of the concept of democratic-centralism, the nature of the *Daily Worker*, and the activities of foreign Communist representatives sent to supervise Respondent. Regarding this latter aspect, the record shows that some of the foreign representatives or agents sent to the United States have been members of the Soviet secret police who instructed Respondent on underground and espionage work (J.A. 236-238 240-241, 433-435). Petitioner's witnesses Gitlow, and later, Budenz, knew and dealt with Jacob Golos as a resident agent of the Soviet secret police (J.A. 263, 1163-1166). Elizabeth Bentley was designated by Golos as a trusted go-between in his relations with Budenz (J.A. 1165-1166).

Further, the record shows that Communists who took the three-year training course in Moscow, and were considered qualified, were sent as representatives or instructors into other countries. Petitioner's witness Kornfeder after completing training in Moscow as a member of Respondent was sent in 1930 to South America to re-organize the badly functioning Party in Colombia and to organize an underground Party in Venezuela (J.A. 308-311). Kornfeder identifies Charles Crumbein and Rudolph Baker as other United States Communists who were sent as representatives outside of the United States. While in Moscow before going to South America, Kornfeder had daily meetings with Palmiro Togliatti<sup>1</sup> who briefed him on South American policies (J.A. 309-310).

Earl Browder, high official of Respondent until his purge following Respondent's reconstitution in 1945 as above noted, came back to the United States as an official of Respondent in 1929 as part of the settlement of the factional disputes. He was first summoned to Moscow from a position as Soviet representative in Shanghai, China, and after being instructed as to what was required of him, was assigned as General Secretary of Respondent (J.A. 311-314). Other members of Respondent are identified in the record as receiving foreign assignments on instructions of the Communist International (e.g., J.A. 314-315).

Summarizing, we find that the Soviet Union has established a requirement of iron discipline throughout the world Communist movement which imposes upon the Communist Parties and their members in the various countries the duty of following with unquestioned devotion the line laid down by the Soviet Union; that Respondent herein has recognized and accepted the requirement of iron discipline, has not repudiated it and has acted in accordance therewith; that officers and members of Respondent have been expelled by Respondent upon instructions from the Soviet Union; that

<sup>1</sup> Presently leader of the Italian Communist Party and at the time he instructed Kornfeder, head of the Latin American Secretariat of the Communist International.

Respondent has subjected itself to Soviet discipline by expelling officers and members for failure to follow the line laid down by the Soviet Union, or for conduct of the type prescribed by the Soviet Union such as so-called revisionism and opportunism; and that Respondent has followed policies and activities designed to carry out the disciplinary policies of the Soviet Union.

Upon consideration of the foregoing and of the entire record, we find and conclude that Respondent's principal leaders and a substantial number of its members are subject to and recognize the disciplinary power of the Soviet Union and its representatives, and that by its recognition and subjection to the disciplinary power of the Soviet Union, Respondent seeks to advance the objectives of the world Communist movement.

#### **G. Secret Practices**

Section 13(e)(7) of the Act provides that the Board shall take into consideration:

"the extent to which, for the purpose of concealing foreign direction, domination, or control, or of expediting or promoting its objectives, (i) it [Respondent] fails to disclose or resists efforts to obtain information as to, its membership (by keeping membership lists in code, by instructing members to refuse to acknowledge membership, or by any other method); (ii) its [Respondent's] members refuse to acknowledge membership therein; (iii) it [Respondent] fails to disclose, or resists efforts to obtain information as to, records other than membership lists; (iv) its [Respondent's] meetings are secret; and (v) it [Respondent] otherwise operates on a secret basis;"

The petition alleges:

"For the purpose of expediting and promoting its objectives and concealing its foreign direction, domination and control, the Communist Party from its inception has adopted a multitude of clandestine practices. While the degree of secrecy has varied from time to time, there has been a strict adherence to the practice of secrecy during the period from July 1945, to the time of the filing of this petition. \* \* \* "

The petition further sets out 12 specific types of such practices allegedly engaged in by Respondent. For convenience, the evidence relating to these and other activities is set forth in this section under appropriate head notes which in the main correspond to the aforementioned alleged practices. Evidence relating specifically to the purpose for which the subject activities were undertaken, aside from that of the nature and character of the acts and practices themselves, is summarized under the heading Purpose of Secret Practices at the end of this section.

#### 1. Secret and Open Members

It is conceded by Respondent (Gates, J.A. 1254-1255) and the evidence establishes that some portion of its membership was and is concealed. Party members active as labor union leaders, mass organization leaders, members of professions, and others have concealed their party membership from the general public or from the organizations in which they worked or in which they were members. The degree of concealment varies with Respondent's current policy regarding its activities (Honig, J.A. 493-495; Meyer, J.A. 694-700; Blane, J.A. 787-791; Cummings, J.A. 815-817; Philbrick, J.A. 762-764; Lautner, J.A. 900-905; Budenz, J.A. 1115-1117).

A higher degree of secrecy generally applied to members of the Respondent who were important civil servants, members of the armed forces, teachers and those individuals engaged in espionage and other illegal and confidential activities for the CPUSA or the Soviet Union. Such members were known only to the leading officials of Respondent or to a limited number of the members thereof (J.A. 220-221, 245-246, 273-276, 416-417, 434-435, 493-495, 694-695, 770-771, 790-791, 815-817, 963-965, 1079-1080, 1108-1110, Exs. 340, 341).

Open members of the CPUSA have been those who by reason of their position in the Party or because of the type of their operations need not be concealed. For the most part, these were the national, state and district officials of the CPUSA or candidates for public office on the Communist Party ballot (J.A. 695, 790-791 815-818).

New members upon entering th. CPUSA were instructed generally not to reveal their Party membership. In 1928, members of the staff of the *Daily Worker* were instructed to deny their CPUSA membership in the event of a police raid. Similar instructions were given to Party members attending CPUSA schools in 1932. Party members in trade unions were ordered in 1948 not to reveal their CPUSA membership (J.A. 491-497, 661-662, 791-792, 818-819).

It is thus that Respondent engages in the practice of maintaining a membership of both concealed and open members.

## 2. Refusal to Reveal Information

Respondent's organ, the *Daily Worker* for February 17, 1930, stated:

"It is the duty of Communists to throw every possible obstacle in the way of conviction of their fellow Party members in the courts, to defend these members by all possible means, and absolutely to refuse to give testimony for the state in any form. Testimony of Communists can only be given for the defense of Communists, not for the state, and then it must be based upon uncompromising defense of the Party and its program. And any one who trades his testimony to the State for personal immunity from prosecution, should be unhesitatingly kicked out of the movement" (Ex. 496, J.A. 1798).

CPUSA members were taught in Respondent's schools and at meetings during the late 1930's and early 1940's that the moral basis of all acts by a Communist is the determination of whether such acts do or do not help in the achievement of the victory of the classless society; that no oath, or statement in court, or consideration of any kind can take precedence over the question of whether or not his act helps or harms the CPUSA (J.A. 701-702). The record discloses a number of other instances, wherein CPUSA members, several of whom testified for Petitioner in this proceeding, were instructed while members to deny their Party membership in the courts and to government agencies, e.g., to

the Federal Bureau of Investigation in connection with the Loyalty Program of the Federal Government (J.A. 495-496, 662, 667-668, 695, 739-740, 755, 793-796, 818-819). Respondent has instructed its members to refuse to talk to FBI agents (J.A. 1087-1088). In answer to a question in this proceeding as to the whereabouts of certain members of the CPUSA National Committee, who are fugitives from justice, the Respondent's witness Gates stated, "if I knew, I wouldn't tell you in a million years" (J.A. 1246).

The CPUSA, in the early 1940's, caused documents to be filed with the Department of State which stated that the Intercontinent News Agency was an independent agent, when, in fact, it was formed by the Respondent for the purpose of circumventing the Foreign Agents Registration Act of 1938 (J.A. 1193-1196; CP Exs. 70 through 75).

Plans were discussed by Party leaders together with agents of the Soviet Secret Police in 1928, whereby blank American passports might in some manner be obtained illegally from the Department of State (J.A. 434-435).

CPUSA members (Kornfeder, Honig and Arbona) have used detached visas which were issued by Soviet Union sources here and abroad in 1927 and 1934, as a device to conceal from agencies of the United States Government visits to the Soviet Union (J.A. 302-303, 467-468). In 1937, Respondent's witness Gates did not list Spain as one of the countries to be visited when he applied for an American passport, since the United States Government did not issue passports for travel to Spain at that time; actually, it was his purpose to go to Spain and he did so (Gates, J.A. 1200). In 1949, Eugene Cubues Arbona, head of the Communist Party youth movement of Puerto Rico, in collaboration with members of Respondent, submitted to the Department of State an application for a passport which falsified the answers to questions concerning the countries to be visited abroad, and other matters. At that time, CPUSA members assisted this official in making arrangements to obtain a detached visa in France in order to visit Hungary, thereby concealing knowledge of the Hungarian destination from the United States Government (J.A. 1051-1053).

Hence it is clear that members of Respondent are trained to and do refuse to reveal information to proper governmental agencies and tribunals concerning Respondent and its membership as a matter of basic Party policy.

### 3. Destruction and Secretion of Records

In periods of strict secrecy, the Party has issued directives to destroy records and such literature as would identify members with Respondent. Such orders were issued throughout the period of the Hitler-Stalin Pact from 1939-1941, and also during the period from 1946-1951. During the latter period, records in CPUSA headquarters were burned by Party leaders while the individual members were instructed to burn Party lists and literature kept in their homes (J.A. 741, 763, 1019-1020, 1026-1027, 1069-1071). During the 1946 Congressional campaign, a CPUSA member, Herbert A. Philbrick, was instructed to destroy his Party membership card for security reasons while participating in the campaign of a non-Communist candidate for public office (J.A. 763). Pursuant to the orders of CPUSA officials, Party membership books were destroyed in 1947 and membership cards were destroyed in 1948 (J.A. 798-802, 823-828). In 1949, a system was established at New York county headquarters of Respondent whereby all messages containing names, addresses and phone numbers were to be burned as soon as read. This system was still in effect in January 1951 (J.A. 1026-1027).

In addition to the steps taken to destroy records and other material during the aforementioned periods, Respondent adopted the practice of keeping no records which would divulge information concerning its members and activities. In situations where it was thought absolutely necessary to keep records, however, secret devices such as charts and code systems have been used. Records have been kept at a minimum by such varied practices as engaging in cash financial transactions, issuing oral directives without ever reducing them to writing, and requiring club leaders of Respondent to memorize the names of members of their respective clubs (J.A. 696-698, 736-737, 799-800,

890-891, 1011-1012, 1016-1017, 1068-1070). In 1949, instructions were given to a club official of Respondent, which he followed, that dues and "sustainers" were not to be collected from any member in the presence of other members (J.A. 1067-1068).

CPUSA membership cards are not issued when the Party operates under conditions of strict secrecy. In this connection, no membership cards were issued to members for one of the years during the Hitler-Stalin Pact period from 1939-1941 because Respondent believed it would have to go underground, i.e., operate completely clandestinely. Membership cards have not been issued for the years 1949 to date as a security measure to conceal the identity of CPUSA members (J.A. 697-698, 740-741, 1000, 1069-1071, 1086-1087).

Records of the CPUSA pertaining to its membership and other affairs have been maintained secretly (J.A. 699, 800). The Party has selected carefully concealed places in which to hide its records. Such hiding places have consisted of homes and business offices of secret or concealed members of the Party or of other persons who would be least suspected of being identified with the CPUSA (J.A. 661-662, 820-822, 1000-1001, 1010-1011, 1019-1020, 1024-1027).

Thus, during periods of strict secrecy Respondent has engaged in the practice of destroying or secreting records, and of not maintaining membership records, or of maintaining them in code.

#### **4. Deceptive Language in Party Writings**

The CPUSA, as recommended by Lenin, has used deceptive language in its Constitution (Pet. Exs. 328, 329, 374) and other writings to conceal the real aims, purposes and objectives of the Party. A decisive clause in the preamble to the CPUSA Constitution of 1942, viz., "• • • by the establishment of socialism, according to the scientific principles enunciated by the greatest teachers of mankind, Marx, Engels, Lenin, and Stalin, embodied in the Com-

munist International \*\*\*" was taught in Party schools as equivalent to the statement, "in accordance with the principles of Marxism-Leninism," as defined hereinbefore. Notwithstanding any other language to be found in other sections of the preamble, this clause controls the interpretation which CPUSA members place upon the Constitution (Ex. 328; J.A. 729, 730-733). Similarly, statements in the preambles of the 1945 and 1948 Constitutions of the CPUSA to the effect that Respondent's functions are founded "upon the principles of scientific socialism, Marxism-Leninism" cannot be reconciled with subsequent statements which refer to the Constitution of the United States. These direct and implied references to Marxism-Leninism control the interpretation which Communists must place upon the subject matter found in the Party Constitution. Such reference to Marxism-Leninism is intended to override any other matter contained therein which may be conflicting in any manner. Marxism-Leninism is defined fully elsewhere in this report<sup>1</sup> (J.A. 975-976, 979, 1053-1055, 1152-1155; Ex. 374, J.A. 1695-1706).

Deceptive language has been used in other statements and documents of Respondent for the purpose of concealing its true aims purposes and objectives (R. 14266-14362). Lenin explained the necessity for the use of such language in *Imperialism, the Highest Stage of Capitalism* (Ex. 140; J.A. 1518-1520). During the period 1935-1945 the witness Budenz used such language in his writings as a staff member of the *Midwest Daily Record* and of the *Daily Worker* (R. 14325-14327).

That Respondent uses deceptive language, even in the most basic Party documents, such as Constitutions, to conceal its real objectives is established in the record.

##### 5. Use of Party Names, Aliases, etc.

By direction of Respondent, Party names or aliases were used by its members in 1927 and 1934 on American passports, which had been obtained illegally in order to conceal

<sup>1</sup> See pp. 38 to 81, *supra*.

from the United States governmental agencies the knowledge that trips were being or had been made to the Soviet Union (J.A. 220-222, 302-303). By similar direction, CPUSA leaders have at other times, for the same reason, used false names in connection with their trips to the Soviet Union as have Respondent's students en route to the Lenin School at Moscow. Pursuant to instructions from CPUSA leaders, the students were not to use their real names while on board ship but were to conceal their identity and destination (J.A. 367-368, 491-492). Also, Respondent's leaders and members, acting on instructions, have used Party names or aliases to conceal their activities on behalf of the CPUSA in labor circles and in other organizations, as well as in the conduct of strikes and labor disputes (J.A. 493-496). Concealment of Party membership from law enforcement agencies, by the use of Party names, has been practiced by Respondent's members throughout the existence of the Party (J.A. 783-784, 801-802, 828-829, 1254-1255). False or Party names have been used on CPUSA membership cards at various times. In the 1930's, Respondent's leaders were instructed to use Party names in order to conceal their identity in the event of police raids (J.A. 662-663). In the years immediately following the conclusion of World War II, membership books were issued in blank. Party members were directed to enter a false name or, in some instances, were given the option of entering a false name, of entering only their first name, or of entering no name at all on the books (J.A. 740-741, 762-763, 869).

The rigidity of the concealment measures which commenced in the late 1940's, is indicated by the employment of certain practices in the Party whereby the names of Party members were not disclosed to each other, even at conventions and meetings, Party names or aliases being used by members as a substitute (J.A. 795-805, 834, 867-870; Ex. 348, 349).

During the present period, the payment of dues and other contributions to the Party is recorded by the use of a system whereby the members are designated by number at the club level (J.A. 797; Ex. 347-A, 347; J.A. 830-831; Ex.

353; J.A. 1012; Ex. 389; J.A. 1093-1094). Also, numbers and symbols have been used by the Party in order to identify its members on mailing lists (J.A. 869-870). Students at Respondent's Marxist-Leninist Institute in Oakland, California, during the period 1949-1950 were enrolled by numbers instead of names, and students at the former were directed to refer to each other by their enrollment numbers rather than by their correct or Party names (J.A. 1060-1061, 1105).

The use of Party names or aliases for the purpose of concealing membership and activities in the CPUSA has been a widespread and continuous practice by the CPUSA leaders and the rank and file members throughout the existence of the Party. The record is replete with instances of such practices.

#### 6. Use of Codes, Couriers, etc.

In the early history of the CPUSA, its leaders received training in the secret department of the Communist International in the use of codes for the transmittal of Party messages, as well as training in the operation of short wave communication (J.A. 310). In the "Arcos" raids which took place in Great Britain during 1927, British authorities seized codes, documents, letters, and files which revealed the identity of certain CPUSA leaders who had received confidential letters, reports, cables, and sums of money in the United States from the Soviet Union. As a result, new codes for the CPUSA were delivered in Moscow by a Comintern official to a leader of Respondent who in turn brought them into the United States (J.A. 253-254).

During the 1930's, the CPUSA established and used various code systems in transmitting confidential messages between its units and its leaders in the United States (J.A. 430-433, 876-877). Instructions were received by Respondent in code from the Comintern in connection with the 1934 general strike in San Francisco (J.A. 477-480).

In the summer of 1949, instructions were given and steps were taken by Respondent's leaders to establish a national system of radio communication for use by the Party on a

stand-by basis. The establishment of this system involved the acquisition of radio receivers, familiarization with the use of radio equipment, plans for the location of mobile transmitters and receiving equipment, and a search to find amateur radio operators among CPUSA members. In addition, leaders of Respondent sought to establish this system in such a manner as to avoid detection by the Federal Communications Commission of illegal transmissions (J.A. 932-936).

At a secret meeting of the CPUSA held in Toledo, Ohio, in July 1947, Respondent's witness Elizabeth Gurley Flynn, then Chairman of the Women's Commission of the CPUSA, told Party members pursuant to instructions of the CPUSA National Committee that Party leaders should not use the telephone for communicating with Party members; further, that Communist documents and directives should not be sent through the mails, that names of Communists should not be used over the telephone, and that lists of names of Communists should not be carried on one's person. The record shows that these instructions were carried out in general by Party members (J.A. 800-801, 806-807, 823-826, 849-850).

Secret devices for concealing the transfer of members from one Party unit to another have been used within the CPUSA, notably during the periods of strict secrecy, which includes the present (J.A. 432-433, 741-742, 1034-1035). After the reconstitution of the CPUSA in 1945, transfer cards in certain units of the Party were sent to destination points by couriers instead of being forwarded through the mails as theretofore (J.A. 741-742).

Pearranged code words or phrases have been used by CPUSA members in communicating with each other, particularly with respect to underground activities since 1947 (J.A. 1072, 1109-1110). A telephone code was devised in 1949 and used through 1950 to transmit information about meetings and other Party affairs in California (J.A. 1069-1070).

Extensive use has been made of confidential mailing addresses by the CPUSA and its members through 1949. Such

addresses have included those of members least suspected of being affiliated with the Party (Ex. 105, J.A. 1421; Ex. 151, J.A. 1550-1551; J.A. 701, 876-877, 901-903).

Couriers have been used extensively by Respondent as a concealment measure in the transmission of documents and other material over a period of many years. Until 1940, CPUSA members served as couriers for the transmission of documents between the United States and the Soviet Union and also on behalf of the Communist International in Moscow for the purpose of transferring funds and documents between the Soviet Union and other foreign countries (J.A. 432-433, 443, 735, 741, 770-777, 806-807, 834-836, 846-847). Communist International representatives to the CPUSA have acted as couriers in exchanging documents between the United States and the Soviet Union (J.A. 469-477). One objective of the Red International of Labor Unions in carrying on Communist activities in the maritime industry was to create an unlimited courier service throughout the world (J.A. 409-410).

In February 1952, a CPUSA member who testified in this proceeding for Petitioner was told by a Party official that the former was to receive instructions as to the performance of the Party's underground activities; and, further, that this member would act largely as a courier between certain Party units (J.A. 1107-1110).

It is thus clearly shown that Respondent uses codes, courier, confidential mailing addresses, and other secret devices to conceal its membership and activities.

#### **7. False Swearing**

On instructions from Respondent, a Party Leader, Joseph Kornfeder, swore falsely when he applied to the Department of State in 1927 for a passport (J.A. 351).

Jack Stachel, a member of the CPUSA National Committee, instructed a member in the 1930's to testify falsely in an injunction suit brought against the Shoe and Leather Industrial Union, concerning the issue of whether this union was Communist-controlled (J.A. 495-498).

A Party member, in early 1948, falsely denied his membership in the Party before a court in Virginia. At a meeting of a Party Committee held in Washington, D. C., following that occasion, his resignation from Respondent was so dated as to enable him to say that he was not a CPUSA member on the date that he denied such membership (J.A. 739-740).

In order to circumvent the non-Communist affidavit provisions of the Taft-Hartley Act, CPUSA members holding positions in labor unions were instructed by Respondent's officials in 1948 and 1949, to "resign" formally from the CPUSA, but nevertheless to continue functioning as members of the Party. In this connection, Gus Hall, a CPUSA official thereafter convicted under the provisions of the Smith Act, instructed a member in 1948, to sign a letter of resignation back-dated to a time prior to the effective date of the Taft-Hartley Act in order to protect the member from prosecution under the Provisions of that Act. In 1949, a member was given Party instructions that a formal "resignation" from Respondent, but an actual continuation of his functions as a Communist, was the procedure to follow if he must sign a non-Communist affidavit as required under the Taft-Hartley Act (J.A. 807-808, 813; Ex. 350; J.A. 1042-1044).

Party members are impressed by Respondent with the necessity and desirability of making false statements to conceal Party information and to forward Party objectives.

#### **8. Secret Meetings of Trusted Members**

Throughout its history Respondent's meetings generally have been restricted to Party members, although on occasions authorized "public" meetings have been held. Election rallies held when Respondent supported candidates for public office have been open to the public, as have expressly authorized meetings of certain Party street units (J.A. 498-499, 667). At various periods important meetings of Party Committees have been held secretly in private homes instead of in Party offices (J.A. 701). During periods of